

REMARKS

This Response is offered in reply to the office action of January 8, 2002. Applicants enclose a petition and fee for a two month time extension.

Applicants affirm their election to prosecute claims 1-13 drawn to a moulding composition as requested in paragraph 5 of the office action. Applicants reserve the right to prosecute non-elected claims 14-16 at a later date by way of divisional application or other means.

The title has been amended as requested by the examiner in paragraph 7 of the office action. Favorable consideration is requested.

In paragraph 9 of the office action, claim 11 is rejected under 35 USC 112, second paragraph as indefinite. Claim 11 has been amended in a manner believed to overcome the Section 112 rejection. Reconsideration is requested.

In paragraph 12 of the office action, claims 1-4 and 13 are rejected under 35 USC 102(b) in view of Kreig EP 639 539.

The rejection is believed incorrect. In particular, the examiner alleges that the '539 document discloses 1 to 20% of a solid particulate polymer (PP) with particles ranging from 0.13 to 0.15 mm. However, the examiner proceeds outside the '539 document alleging that the EP '539 document defines the particles PP as in Fink German DE 2135828 document. The examiner alleges that the '828 document teaches solid particulate polymers to be elastomers.

Applicants firstly would point out to the examiner that the '539 document does not disclose Applicants' claimed moulding composition having in combination, ~~50~~ to 85 weight % inorganic filler particles and ~~elastomer~~ particles or elastomer particle aggregates having a particle size ~~smaller~~ than 100 μm in an amount in the range of 5% by weight to less than 20% by weight, expressed in terms of the mass of the syrup, in the methyl-methacrylate-based syrup. For example, Applicants refer the examiner to column 5, lines 27-50 of

not in the box

the '539 document where the particles PP are defined by their chemistry or composition. The document refers to acrylic resins and other polymers but does not disclose elastomer particles or elastomer particle aggregates as set forth in Applicants' claims. Thus, the '539 patent is grossly deficient with respect to Applicants' claims 1-4 and 13.

Applicants secondly would refer the examiner to column 5, lines 51-58 through column 6, lines 1-5 of the '539 document where the particles PP are defined by their particle size feature. The '539 document indicates that suitable polymer beads or particles PP of suitable size can be made by suspension (pearl) polymerization process as described in the Fink German DE 2135828. The '539 patent does not disclose that the particles PP have the composition of the particles of the Fink '828 document, but instead that the particles PP can be made in the suitable particle size type using the suspension (pearl) polymerization process of the Fink '828 document.

Dissent

The Fink '828 document does not relate to a moulding composition for a sanitary-ware component but instead relates to elastomeric particles dispersed in water for application to textile webs and other web materials. The examiner's reliance on the Fink '828 document is believed misplaced and incorrect.

As mentioned above, column 5, lines 27-50 of the '539 document expressly defines the particles PP by their chemistry or composition as comprising acrylic resins and other polymers, but does not disclose elastomer particles or elastomer particle aggregates as set forth in Applicants' claims.

Applicants thirdly would refer the examiner to page 2, paragraphs 3 and 4 of Applicants' specification where the moulding composition is described as comprising the combination of the recited amount of inorganic filler and the elastomer particles or elastomer particle

aggregates having a particle size smaller than 100 μm in an amount in the range of 5% by weight to less than 20% by weight in the syrup to improve resistance of the molded sanitary-ware component to scratching and abrasion in a manner not disclosed in the EP '539 document or the Fink '828 document. Neither document discusses how to improve resistance of a molded sanitary-ware component to scratching and abrasion. Applicants have defined particular ranges of amounts of inorganic filler and elastomer particles or particle aggregates in the syrup to achieve improved resistance to scratching and abrasion not disclosed by the EP '539 document or the Fink '828 document. The cited documents are utterly silent in this regard.

Applicants thus believe the Section 102(b) rejection of claims 1-4 and 13 is incorrect.

In paragraph 14 of the office action, claims 5-7, 9, 10 and 12 are rejected under 35 USC 103(a) in view of Kreig EP 639 539 taken with Hwa US 3 661 994.

The gross deficiencies of the Kreig EP '539 document are pointed out above. As mentioned, column 5, lines 27-50 of the '539 document expressly describes the particles PP by their chemistry or composition as acrylic resins and other polymers, but does not disclose elastomer particles or elastomer particle aggregates as set forth in Applicants' claims. Thus, there is no suggestion in the '539 patent to incorporate elastomer particles of any kind in therein.

The '994 patent discloses reinforcing rigid plastics with rubber polymers in the absence of inorganic filler particles. For example, the '994 patent discloses to reinforce a PMMA matrix with rubber polymer particles. The '994 patent does not disclose or suggest Applicants' claimed moulding composition having the recited combination of inorganic filler and elastomer particles or

elastomer particle aggregates in the methyl-methacrylate-based syrup.

Applicants thus believe the Section 103(a) rejection of claims 5-7, 9, 10, and 12 is incorrect.

In paragraph 15 of the office action, claims 5-10, and 12 are rejected under 35 USC 103(a) in view of Kreig EP 639 539 taken with Hofmann US 4 180 529 or Henton WO 88/05450.

The gross deficiencies of the Kreig EP '539 document are pointed out above. As mentioned, column 5, lines 27-50 of the '539 document expressly describes the particles PP by their chemistry or composition as acrylic resins and other polymers, but does not disclose elastomer particles or elastomer particle aggregates as set forth in Applicants' claims. Thus, there is no suggestion in the '539 patent to incorporate elastomer particles of any kind in therein.

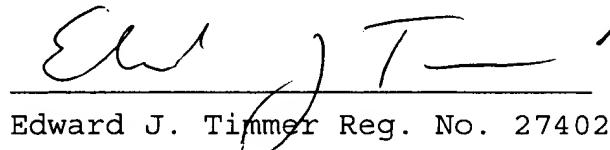
The cited Hofmann '529 patent and Henton '450 document both suffer from the same deficiencies as the Hwa '994 patent in that neither discloses or suggests Applicants' recited combination of inorganic filler and elastomer particles or elastomer particle aggregates having a particle size smaller than 100 μm in an amount in the range of 5% by weight to less than 20% by weight, expressed in terms of the mass of the syrup, in a methyl-methacrylate-based syrup. Both cited references are devoid of inorganic fillers.

Applicants thus believe the Section 103(a) rejection of claims 5-10 and 12 is incorrect.

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Applicants believe the pending claims of this application are allowable, and action to that end is requested.

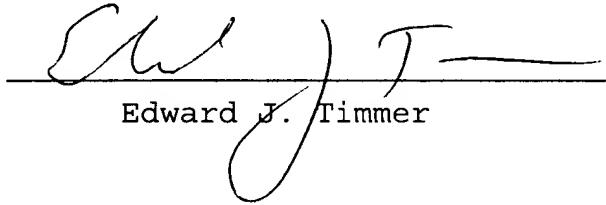
Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence and enclosures are being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on June 10, 2002.


Edward J. Timmer